

Message Text

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ORIGIN OES-07

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-10 IO-13
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DRAFTED BY OES/NET/EIC: D B HOYLE:SMJ
APPROVED BY OES/NET/EIC: D B HOYLE
EUR/EE: S FROMOWITZ
ACDA: R WILLIAMSON (INFO)
NRC: J SHEA (INFO)

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FM SECSTATE WASHDC
TO AMEMBASSY BUCHAREST PRIORITY
INFO AMEMBASSY VIENNA PRIORITY

C O N F I D E N T I A L STATE 157648

USIAEA

E.O. 11652: GDS

TAGS: TECH, ENRG, IAEA, RO

SUBJECT: FUEL FOR ROMANIAN TRIGA REACTOR

1. ON JULY 20, AMBASSADOR NICOLAE, ACCOMPANIED BY SECOND SECRETARY DINDELEGAN, CALLED ON THE ACTING DEPUTY ASSISTANT SECRETARY OES/NET, DIXON HOYLE, TO EXPRESS CONCERN OVER CONTINUING DELAY IN ISSUANCE OF NRC EXPORT LICENSE FOR HIGHLY ENRICHED URANIUM FUEL FOR ROMANIAN TRIGA REACTOR.

2. NICOLAE POINTED OUT THAT HE HAD ENCOURAGED BUCHAREST TO AGREE TO EXCHANGE OF NOTES WHICH USG HAD REQUESTED IN ORDER THAT THE PROPOSED EXPORT WOULD CONFORM TO CRITERIA
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OF THE NUCLEAR NON-PROLIFERATION ACT OF 1978, EVEN THOUGH THIS LEGISLATION HAD NOT THEN BEEN ENACTED. THE GOR HAD DONE THIS PROMPTLY AND HAD NOT OBJECTED TO ANY OF THE ADDITIONAL CONDITIONS WHICH WE WISHED TO IMPOSE. NONETHELESS, SOME FOUR MONTHS AFTER THIS EXCHANGE THE LICENSE STILL HAS NOT BEEN ISSUED AND THE REACTOR WAS NOW READY TO BEGIN FUEL LOADING. HE QUERIED AS TO WHAT THE PROBLEM

WAS AND ASKED ADVICE ON WHAT HE MIGHT DO TO SPEED UP THE PROCESS.

3. HOYLE EXPRESSED APPRECIATION FOR THE GOR'S COOPERATION AND UNDERSTANDING FOR ITS CONCERN. HE POINTED OUT THAT BEFORE THE EXECUTIVE BRANCH COULD MAKE A RECOMMENDATION TO THE NRC IT WAS NECESSARY TO OBTAIN PRESIDENTIAL APPROVAL FOR AN EXPORT OF THIS AMOUNT OF HIGHLY ENRICHED URANIUM AND THAT THIS PROCEDURE, EVEN THOUGH EFFORTS HAD BEEN MADE TO EXPEDITE IT, TOOK SOME TIME. THE EXECUTIVE BRANCH ORIGINALLY HAD FORWARDED A RECOMMENDATION FOR ISSUANCE OF THE LICENSE TO THE NRC ON MARCH 23. FOLLOWING PASSAGE OF THE NON-PROLIFERATION ACT, THE NRC HAD REQUIRED THE EXECUTIVE BRANCH TO REWRITE ALL OF ITS ANALYSES FOR CASES WHICH WERE THEN PENDING BEFORE THE NRC IN A FORM WHICH WAS MORE COMPATIBLE WITH THE EXPORT CRITERIA AS SET OUT IN THE ACT. THIS HAD BEEN DONE FOR THE ROMANIAN TRIGA FUEL EXPORT AND THE RECOMMENDATION FOR ISSUANCE RESUBMITTED TO NRC ON APRIL 19. HE INDICATED THAT HE WAS NOT AWARE OF ANY SPECIFIC REASONS FOR FAILURE OF THE NRC TO ACT TO DATE AND THAT IT WAS HIS IMPRESSION THAT THE NRC STAFF WOULD SHORTLY FORWARD THE CASE TO THE COMMISSION FOR ITS DECISION. HOYLE FURTHER NOTED THAT ALTHOUGH THE NRC WAS INDEPENDENT OF THE DEPARTMENT'S (AND EVEN THE PRESIDENT'S) FOREIGN POLICY GUIDANCE, HE WOULD BE GLAD TO EXPRESS THE DEPARTMENT'S CONCERN OVER THIS CONTINUING DELAY TO THE NRC

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STAFF AND TO URGE PROMPT COMMISSION CONSIDERATION OF THE LICENSE APPLICATION. HOYLE INDICATED THAT FOLLOWING SUCH CONTACT WITH THE NRC HE WOULD ADVISE THE AMBASSADOR AS TO WHETHER ANY FOLLOW-UP ACTION WITH THE NRC BY THE LATTER MIGHT BE PRODUCTIVE.

4. IN DISCUSSING THIS MATTER WITH A NRC SENIOR STAFF MEMBER, HOYLE LEARNED THAT THE STAFF EXPECTED TO FORWARD A FAVORABLE RECOMMENDATION TO THE COMMISSION BY THE END OF THIS WEEK. THE STAFF MEMBER EXPRESSED A WILLINGNESS TO DISCUSS THE MATTER WITH NICOLAE IN ORDER TO EXPLAIN THE CURRENT STATUS OF NRC ACTION. SUBSEQUENTLY, HOYLE RECOMMENDED THAT NICOLAE CONTACT THIS STAFF MEMBER (WITH WHOM DINDELEGAN HAD PREVIOUSLY BEEN IN TOUCH).

5. FYI -- IN FEBRUARY, NRC COMMISSIONERS GILINSKY AND BRADFORD WROTE TO BRZEZINSKI EXPRESSING CONCERN OVER SEVERAL PENDING EXPORT LICENSE APPLICATIONS FOR HIGHLY ENRICHED URANIUM THEN UNDER NSC CONSIDERATION INCLUDING THAT FOR ROMANIA. NONETHELESS, THE PRESIDENT SUBSEQUENTLY APPROVED THE HIGHLY ENRICHED URANIUM EXPORT FOR ROMANIA AMENDED, IN ACCORDANCE WITH THE EXECUTIVE BRANCH RECOMMENDA-

TION, TO COVER ONLY THE INITIAL CORE AND SIX SPARES (A
TOTAL OF 38.675 KILOGRAMS OF U-235). BECAUSE OF THE
GILINSKY/BRADFORD POSITION, THE NRC STAFF HAS BEEN
UNUSUALLY THOROUGH IN ITS ANALYSIS OF THE APPLICATION IN
AN EFFORT TO ANTICIPATE ALL OF THE ISSUES WHICH MIGHT
POSSIBLY BE RAISED. THIS FACT HAS, AT LEAST TO SOME

EXTENT, BEEN RESPONSIBLE FOR THE LONGER THAN AVERAGE
PROCESSING TIME WITHIN THE NRC. END FYI. VANCE

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